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COMMISSION ON HUMAN RIGHTS

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Albania

Report of the Secretary-General submitted pursuant to Commission on Human Rights resolution 1993/65

GE.93-05773 (E)

1. At its forty-ninth session, on 10 March 1993, the Commission on Human Rights adopted resolution 1993/65 entitled "Situation of human rights in Albania", in which it called upon the Government of Albania to continue to adopt legislative and administrative measures to meet all the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law would be further consolidated and the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, would be effectively promoted and guaranteed; encouraged technical cooperation between the Centre for Human rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992; requested the Secretary-General: (a) to bring the resolution to the attention of the Government of Albania and to invite the Government to provide information regarding its implementation; (b) to report to the Commission at its fiftieth session on the implementation of the resolution; and decided to continue its consideration of the human rights situation in Albania at its fiftieth session under the agenda item "Advisory services in the field of human rights".

2. On 15 October 1993 the Secretary-General addressed to the Minister for Foreign Affairs of the Republic of Albania a note verbale in which he requested the Government of that country to communicate to him any information or observation it might wish to present in accordance with resolution 1993/65.

3. In response, on 4 November 1993, the Foreign Minister of the Government of the Republic of Albania addressed a letter to the Centre for Human Rights transmitting a document containing the principal legislative and administrative measures adopted by the Government of Albania from 1 January to 30 July 1993 in furtherance of the democratic process. These measures were taken as part of Albania's efforts to comply with all the international standards contained in the International Bill of Human Rights, an instrument which the Government of Albania is bound to observe.

4. The legislative measures included in the report of the Government of Albania deal with civil, political, economic, social and cultural rights. Specifically, the following laws are mentioned in the Government's report: Law No. 7660 of 14 January 1993 on various amendments to Law No. 7514 of 30 September 1991 on the innocence and amnesty of former political prisoners who had been sentenced and persecuted; Law No. 7698 of 15 April 1993 on the restitution of and compensation for the property of former owners; Law No. 7717 of 2 June 1993 on various amendments to the Code of Criminal Procedure of the Republic of Albania; Law No. 7695 of 7 April 1993 on foundations; Law No. 7697 of 7 April 1993 on administrative offences; Judgement No. 228 of 19 May 1993 on payment for the work done by persons sentenced to prison terms; Law No. 7741 of 26 July 1993 on an amendment to Law No. 7381 of 9 May 1990 on the establishment of the Ministry of Justice; Law No. 7727 of 30 June 1993 on the accession of the Republic of Albania to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Directive No. 19 of 13 September 1993 of the Ministry of Education on teaching in the language of minorities in eight-year schools; Law No. 7673 of 17 February 1993 on the collective labour contract; Law No. 7711 of 20 March 1993 on various amendments to Law No. 7636 of 12 November 1992 on

various amendments to Decree No. 7458 of 22 January 1991 on the right to strike; Judgement No. 248 of 27 May 1993 on various measures designed to speed up the privatization of small and medium enterprises; Law No. 7652 of 23 December 1992 on the privatization of public housing; Law No. 7664 of 21 January 1993 on the protection of the environment; Judgement No. 23 of 9 January 1993 on the organization of the unemployment benefits payment service by the Public Labour Administration; Judgement No. 27 of 15 January 1993 increasing pensions; Judgement No. 32 of 15 January 1993 increasing social assistance for persons becoming unemployed as a result of the introduction of economic reforms; Judgement No. 34 of 25 January 1993 increasing economic assistance; Law No. 7671 of 9 February 1993 on various amendments to Law No. 7521 of 30 October 1991 on social aid for persons becoming unemployed as a result of the introduction of economic reforms as amended by Law No. 7579 of 2 July 1992; Law No. 7703 of 11 May 1993 on social insurance in the Republic of Albania; Law No. 7710 of 18 May 1993 on social aid and assistance; Law No. 7724 of 21 June 1993 on the regulation of working hours and holidays; Judgement No. 250 of 27 May 1993 on the establishment of the National Drug Abuse Control Committee; Judgement No. 306 of 21 June 1993 on the organization of the vocational training system in the Republic of Albania; Decree No. 487 of 9 March 1993 on the accession of the Republic of Albania to the Berne Convention for the Protection of Literary and Artistic Works; Judgement No. 309 of 21 June 1993 on remuneration for artistic quality in literature, in the figurative, musical, cinematographical, executive, interpretative and publicity arts, as well as the contribution of temporary teaching to cultural projects.

5. Some of these legislative provisions, for example, declare innocent persons who were prosecuted and sentenced for political crimes or who fled the country because they were charged with political activities which were considered against the law during the previous regime. Property which had been confiscated shall either be restored to the previous owners or compensation paid.

6. As regards criminal procedure, new legislative measures provide, for example, that a detainee has the right to a lawyer from the moment of detention and if he is indigent the tribunal shall provide him with a lawyer free of charge. An individual shall be detained no longer than 48 hours before he is brought before a judge who shall decide on the legality of the detention.

7. As regards the protection of minorities, new legislative measures provide, for example, that in the first cycle (first to fifth year) of primary schools, teaching shall be in the language of the national minority, including the teaching of the Albanian language. In the next cycle (fifth to eight year of schooling), subjects shall be taught in Albanian and in the minority language.

8. As regards economic rights, new legislative measures provide, for example, that collective employment contracts shall determine the rights and obligations of employers and employees. The right to strike may be exercised for the improvement of working conditions.

9. As regards social rights, legislation was adopted, for example, regarding the privatization of public housing and the protection of the environment. As of 1 January 1993 unemployment insurance is paid. Pensions, accorded under Law No. 4171 of 13 September 1966, shall be increased by 25 per cent. The National Committee to Combat Drugs has been created to coordinate interministerial policy against illegal drug trafficking.

10. As regards cultural rights, for example, Albania has acceded to the Berne Convention on the protection of literary and artistic works.

11. Notably included in the report of the Government of Albania is the Charter of Human Rights, adopted by the Albanian Parliament on 31 March 1993, which represents the fundamental legislation in the domain of human rights upon which all future measures shall be based. The response from the Foreign Minister of Albania, which includes the above-cited Charter, is available in French and English, as received, in the files of the secretariat.

Advisory services and technical assistance

12. In its resolution 1993/65, the Commission on Human Rights encouraged technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992.

13. The advisory services programme for Albania in the field of human rights commenced with the Agreement concluded with the Albanian Government. From 26 to 28 May 1992 a staff member from the Centre on Human Rights engaged in informal consultations with the Government of Albania regarding the implementation of the Agreement. On 8 September 1992, the Government of Albania officially requested that the Centre for Human Rights conduct a mission to assess Albania's needs for technical assistance in the human rights field. The needs assessment mission was conducted from 4 to 12 November 1992 by two staff members of the Centre for Human Rights, assisted by Ms. Peggy Hicks, a consultant from the University of Minnesota Law School who also participated in the training course on human rights in the administration of justice (see para. 15). On the basis of this mission a new advisory services programme for Albania was drawn up which added several new components to the programme.

14. As a result of this mission a country programme of assistance for Albania was prepared. The first component of this programme was a training course, organized by the Centre for Human Rights, for Albanian law enforcement officials, police, military and prison personnel on human rights in the administration of justice, which was held at Tirana from 2 to 6 November 1992.

15. Another component was a training seminar, organized by the Centre for Human Rights, for Albanian Judges and Lawyers, Human Rights in the Administration of Justice, held in Tirana from 12 to 15 April 1993. Some 70 judges and lawyers attended the session.

16. For the training course held in April 1993, the Centre for Human Rights financed the translation into Albanian and printing of the following international human rights instruments for the use of the participants: (i) Universal Declaration of Human Rights, (ii) International Covenant on Civil and Political Rights, (iii) International Covenant on Economic, Social and Cultural Rights, (iv) Standard Minimum Rules for the Treatment of Prisoners, (v) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (vi) Code of Conduct for Law Enforcement Officials, (vii) United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), (viii) Basic Principles on the Independence of the Judiciary, (ix) Basic Principles on the Role of Lawyers and (x) Guidelines on the Role of Prosecutors.

17. Mr. Viktor Hebibasi of the Ministry of Foreign Affairs and Mr. Arben Ristani, a judge at the Tirana Court of Justice, were chosen by the Government of Albania to participate in the fellowship programme in the field of Human Rights, held from 28 June to 30 July 1993. The fellowship programme is conducted at Geneva and at Strasbourg in collaboration with the International Institute of Human Rights.

18. The Government of Albania sent three participants, Mr. Viktor Hebibasi of the Ministry of Foreign Affairs, Mr. Luan Pirdeni of the Ministry of Justice and Mr. Agim Agolli of the Ministry of Education to the training course on the preparation of reports pursuant to the United Nations treaties on human rights, held from 22 to 26 November 1993 in Geneva. The participants received fellowships from the advisory services programme in order to participate.

19. The Centre for Human Rights, in cooperation with the Albanian Ministry of Justice, will send two experts to Albania in January 1994. The two experts are Professor Verhellen of the University of Gent, (Belgium) and Mr. Massit of the Cour de Cassation in Paris, who will provide legal assistance to the Ministry of Justice in the drafting of legislation on the administration of juvenile justice and the legal regulation of acts of civil registration.

20. Other pending cooperative activities between the Centre and the Government of Albania involve the training of primary and secondary school teachers in human rights, the reform of school curricula and textbooks, and the translation, printing and dissemination of additional international human rights instruments.

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